

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARCUS D. MCQUEEN,

Plaintiff,

V.

GROCERY STORE, et al.,

Defendants.


Case No. 2:20-cv-01034-RDP-SGC

MEMORANDUM OPINION

Plaintiff, Marcus D. McQueen, a prisoner at Fountain Correctional Facility, filed this action pursuant to 42 U.S.C. § 1983. (Doc. 1). The Magistrate Judge entered a Report and Recommendation on July 30, 2020, recommending this case be dismissed pursuant to the “three strikes” rule codified at 28 U.S.C. § 1915(g). (Doc. 6). Although Plaintiff was advised of his right to file objections to the Report and Recommendation within fourteen (14) days, that time has expired with no objections having been filed. The court has thoroughly reviewed Plaintiff’s complaint and is satisfied he has not alleged facts demonstrating he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court **ADOPTS** the Magistrate Judge's Report and **ACCEPTS** the Recommendation. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is due to be denied. Furthermore, because Plaintiff failed to pay the filing and administrative fees totaling \$400.00 at the time he filed this complaint, this action is due to be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). A separate final judgment will be entered.

DONE and **ORDERED** this August 24, 2020.


R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE